

puree at Rutland, Vt., consigned by Oswego Preserving Co., from Oswego, N. Y., on or about March 2, 1934, alleging that the article had been shipped in interstate commerce from the State of New York into the State of Vermont, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Oswego Brand Tomato Puree * * * Oswego Preserving Co., Oswego, N. Y., Distributors."

The article was alleged to be adulterated in that it was in a partially decomposed condition.

On June 10, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

24809. Adulteration and misbranding of butter. U. S. v. Sheridan Creamery Co. Plea of guilty. Fine, \$50. (F. & D. no. 32886. Sample no. 66772-A.)

This case was based on an interstate shipment of butter that was deficient in milk fat.

On August 2, 1934, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Sheridan Creamery Co., a corporation, Sheridan, Wyo., alleging shipment by said company in violation of the Food and Drugs Act on or about February 14, 1934, from the State of Wyoming into the State of Montana, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "San-I-Dairy Butter * * * Distributed by the 'San-I-Dairy' Creameries of Wyoming and Montana Sheridan Creamery Company, Sheridan, Wyo., Owners."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter", borne on the carton, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter as defined by law; whereas it contained less than 80 percent by weight of milk fat, the standard for butter defined by law.

On July 22, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

W. R. GREGG, *Acting Secretary of Agriculture.*

24810. Adulteration of apples. U. S. v. Reginald A. Watson (R. A. Watson, Agent.) Tried to the court without a jury. Judgment of guilty. Fine, \$25. (F. & D. no. 32889. Sample no. 42526-A.)

Examination of the apples involved in this case showed the presence of arsenic and lead in amounts that might have rendered them injurious to health.

On September 28, 1934, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Reginald A. Watson, trading as R. A. Watson, Agent, Valley City, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act on or about September 21, 1933, from the State of Illinois into the State of Indiana, of a quantity of apples which were adulterated. The article was labeled in part: "Fancy Grimes Golden Packed by R. A. Watson-Morrison or Valley City, Ill."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, namely, arsenic and lead, in amounts that might have rendered it injurious to health.

On June 28, 1935, the defendant having entered a plea of not guilty, the case came on for trial before the court without a jury. Judgment was entered finding the defendant guilty and imposing a fine of \$25.

W. R. GREGG, *Acting Secretary of Agriculture.*

24811. Adulteration and misbranding of coffee. U. S. v. 9¼ Cases of Coffee. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 33087. Sample no. 76614-A.)

This case involved a product which was adulterated and misbranded, since it was represented to be a superior high-grade coffee, whereas it contained approximately 10 percent of chicory.